

DANIEL JOHNSON, JR. (SBN 574090)  
RITA E. TAUTKUS (SBN 162090)  
MORGAN, LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco CA 94105  
Telephone: (415) 442-1000  
Facsimile: (415) 442-1001  
Email: djjohnson@morganlewis.com  
Email: rtautkus@morganlewis.com

Attorneys for Plaintiff  
UNIVERSITY OF PITTSBURGH

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNIVERSITY OF PITTSBURGH OF THE  
COMMONWEALTH SYSTEM OF HIGHER  
EDUCATION d/b/a UNIVERSITY OF  
PITTSBURGH

Plaintiff,

v.

VARIAN MEDICAL SYSTEMS, INC.

Defendant.

Case No. CV 08-02973 MMC

**PLAINTIFF'S ADMINISTRATIVE  
MOTION TO FILE CERTAIN  
DOCUMENTS UNDER SEAL TO  
UNIVERSITY OF PITTSBURGH'S  
OPPOSITION TO TRANSFER BY  
VARIAN MEDICAL SYSTEMS, INC.**

Date: August 29, 2008  
Time: 9:00 a.m.  
Courtroom 7, 19th Floor

**ADMINISTRATIVE MOTION TO FILE DOCUMENTS UNDER SEAL**

Pursuant to Civil L.R. 79-5 and 7-11, Plaintiff University of Pittsburgh (“UPitt”) respectfully requests leave of the Court to file under seal the following exhibits to the Declaration of Rita E. Tautkus in Support of Plaintiff’s Opposition to Motion to Transfer by Varian Medical Systems, Inc. (“Varian”) that have been lodged with the Clerk:

1. Exhibit 3: Excerpts from the deposition transcript of Sam David Castellino. This deposition was designated as Confidential Attorney Eyes Only pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the Western District of Pennsylvania action, Case No. 07-0491, and hence should be sealed from the public view.

2. Exhibit 4: Excerpts from the deposition transcript of Michael Sing Chen. This deposition was designated as Confidential Attorney Eyes Only pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the Western District of Pennsylvania action, Case No. 07-0491, and hence should be sealed from the public view.

3. Exhibit 5: Excerpts from the deposition transcript of Martin J. Kandes. This deposition was designated as Confidential Attorney Eyes Only pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the Western District of Pennsylvania action, Case No. 07-0491, and hence should be sealed from the public view.

4. Exhibit 6: Excerpts from the deposition transcript of Stanley Mansfield. This deposition was designated as Confidential Attorney Eyes Only pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the Western District of Pennsylvania action, Case No. 07-0491, and hence should be sealed from the public view.

5. Exhibit 7: Excerpts from the deposition transcript of Richard Morse. This deposition was designated as Confidential Attorney Eyes Only pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the Western District of Pennsylvania action, Case No. 07-0491, and hence should be sealed from the public view.

6. Exhibit 8: Excerpts from the deposition transcript of Hassan Mostafavi. This deposition was designated as Confidential Attorney Eyes Only pursuant to the Protective Order

(Docket No. 29, as amended Docket No. 331) entered in the Western District of Pennsylvania action, Case No. 07-0491, and hence should be sealed from the public view.

7. Exhibit 9: Excerpts from the deposition transcript of George Zdasiuk. This deposition was designated as Confidential Attorney Eyes Only pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the Western District of Pennsylvania action, Case No. 07-0491, and hence should be sealed from the public view.

8. Exhibit 10: Excerpts from the deposition transcript of Majid Riaziat. This deposition was designated as Confidential Attorney Eyes Only pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the Western District of Pennsylvania action, Case No. 07-0491, and hence should be sealed from the public view.

9. Exhibit 20: A document produced in the Western District of Pennsylvania action, Case No. 07-0491, by Majid Riaziat with bates number MR00000073, marked as Exhibit 12 at the deposition of Majid Riaziat on October 5, 2007. This document was designated as Confidential Attorney Eyes Only pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the Western District of Pennsylvania action and hence should be sealed from the public view.

10. Exhibit 21: A document produced in the Western District of Pennsylvania action, Case No. 07-0491, by Varian with bates numbers VAR00330305 to -313, marked as Exhibit 13 at the deposition of Majid Riaziat on October 5, 2007. This document was designated as Confidential Attorney Eyes Only pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the Western District of Pennsylvania action and hence should be sealed from the public view.

11. Exhibit 23: Excerpts from the deposition transcript of Karun B. Shimoga. This deposition was designated as Confidential Attorney Eyes Only pursuant to the Protective Order (Docket No. 29, as amended Docket No. 331) entered in the Western District of Pennsylvania action, Case No. 07-0491, and hence should be sealed from the public view.

As required by Civ. L.R. 79-5(b), UPitt is lodging with the Clerk copies of these documents which have been designated Confidential Attorney Eyes Only for filing under seal in their entirety.

1 Dated: July 11, 2008

MORGAN LEWIS & BOCKIUS LLP

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3 By: /s/ Rita E. Tautkus

4 Rita E. Tautkus

5 Attorneys for Plaintiff

6 UNIVERSITY OF PITTSBURGH  
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Plaintiff,

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Defendant.

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S ADMINISTRATIVE  
MOTION TO FILE CERTAIN  
DOCUMENTS UNDER SEAL TO  
UNIVERSITY OF PITTSBURGH'S  
OPPOSITION TO TRANSFER BY  
VARIAN MEDICAL SYSTEMS, INC.**

Upon good cause shown, IT IS HEREBY ORDERED that Exhibits 3-10, 20, 21, and 23 to the Declaration of Rita E. Tautkus in Support of Plaintiff's Administrative Motion to File Certain Documents Under Seal to University of Pittsburgh's Opposition to Transfer by Varian Medical Systems, Inc. shall be received and filed under seal in their entireties by the Clerk.

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
The Honorable Maxine M. Chesney  
United States District Court Judge